

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARNELL MCGARY,

Plaintiff,

V.

KELLY CUNNINGHAM et al.

Defendant.

CASE NO. C13-5130 RBL-JRC

## ORDER ON MOTIONS FOR DEPOSITIONS

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creature. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Plaintiff filed a motion asking for permission to take non-stenographic depositions (ECF No. 61). Plaintiff outlined the procedure he wanted the Court to adopt in his motion (*id.*). Before the Court issued a ruling on plaintiff's motion, the parties entered into a stipulation regarding the taking of depositions (ECF No. 66). The Court accepts the parties' stipulation with the following modification.

1        Each side will provide a single, one hundred and twenty minute tape for each deposition  
2 and defense counsel need only provide two tape recorders for each deposition -- not three. The  
3 Court does not require that a copy of the deposition tape be sent to Court. Further, discovery is  
4 not filed unless it is used in the proceeding or there is a dispute that the Court needs to address.  
5 *See*, Fed. R. Civ. P. 5(d)(1).

6 Each side will keep a copy of the tape as outlined in the parties stipulated motion.  
7 Plaintiff will arrange for stenographic transcription at his expense and will provide a copy of the  
8 transcript to opposing counsel at his expense. If the parties do not agree that plaintiff's transcripts  
9 are accurate, the parties will each submit their copy of that deposition tape to the Court along  
10 with a copy of the transcript. The parties will highlight the portions of the transcript they believe  
11 are not accurately transcribed.

12 Dated this 4th day of November, 2013.

J. K. Ward Creative

J. Richard Creature  
United States Magistrate Judge